

**EXHIBIT "B"**  
**Deposition of Maurice Kraut**

COPY

**In the Matter Of:**  
**VAGISH vs. SENECA SPECIALTY**

3:13-CV-03161-TLW

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**MAURICE R. KRAUT**

*September 11, 2015*

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1 Q. Okay.

2 A. I didn't develop any of those names on  
3 -- I -- I -- I'm not sure what your  
4 question is, but if your question is  
5 did I develop any of those on my own,  
6 no, I got those from the material.

7 Q. Sure. That was my question was if you  
8 recall what materials you obtained them  
9 from.

10 A. Right. And that's what I was  
11 answering. From -- from the --

12 Q. From the material.

13 A. -- production in the file.

14 Q. Okay. And then numbers 24 to 28, those  
15 were residents at the hotel at the time  
16 of the fire; is that correct?

17 A. Correct.

18 Q. And do you know if Seneca was provided  
19 with that list before the suit was  
20 filed?

21 A. No, but that should have been -- the  
22 initial investigation by Seneca should  
23 have been, do you know of any witnesses  
24 and can you provide their names.

25 Q. Do you know if the insured contacted

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1 exhibits attached to the EUO. And I  
2 think those are sufficient to -- for  
3 Vagish to support their loss. Then  
4 it's up -- then it's up to Seneca to  
5 prove or disprove what -- what Vagish  
6 is claiming.

7 Q. Are you aware that at the Examination  
8 Under Oath a number of documents were  
9 requested that the insured provided  
10 after the examination concluded?

11 A. Yes.

12 Q. And do you know what those documents  
13 related to?

14 A. I don't have it in front of me, but,  
15 no, I don't.

16 Q. Okay. Do you know if those documents  
17 were provided by Vagish to Seneca  
18 before suit was filed?

19 A. I don't, but I believe that Seneca was  
20 given unfettered access to Vagish's  
21 accountant. And so any question that  
22 Kislaya couldn't answer, should have  
23 been able to be answered by his  
24 accountant.

25 Q. Okay. And I was talking about

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1 documents though. Are you aware that  
2 there was a document request made after  
3 the Examination Under Oath?

4 A. Correct.

5 Q. Are you aware that those documents were  
6 provided before suit was filed?

7 A. I don't know.

8 Q. Okay. Would that be important to your  
9 analysis?

10 A. It -- it could be, but my review of the  
11 documents that were supplied, in other  
12 cases I've handled that was sufficient  
13 for me to do my investigation as to  
14 whether or not those documents supplied  
15 were accurate.

16 Q. Okay. And you just told me that you  
17 don't know why the documents were  
18 requested in this case; right? You  
19 don't know that the documents they --  
20 the documents requested, they went to  
21 establishing the amount of the loss, or  
22 the motive to commit the loss?

23 A. Correct.

24 Q. You don't know what the documents went  
25 to --

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1 A. Correct.

2 Q. -- right?

3 A. Seneca should have sat down with  
4 Kislaya and worked out their  
5 differences.

6 Q. Okay. Page nine, top of the page.

7 "Seneca refused to assist the insured  
8 with the submission of the proof of  
9 loss." Do carriers assist their  
10 insured's in completing a proof of loss  
11 when there's a question of liability,  
12 or a question of coverage?

13 A. Generally, no, they resolve the  
14 question of coverage. But once the  
15 question of coverage is resolved, they  
16 do assist the insured with the proof of  
17 loss.

18 Q. Okay. In this case when the proof of  
19 loss was completed was there still a  
20 question of coverage?

21 A. Yes. And in Seneca's mind apparently  
22 there's still a question of coverage.

23 Q. So you just told me then that if  
24 there's a question of coverage an  
25 insured does not assist in completing